

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Case No. 2:21-cv-01784-APG-NJK

Plaintiff,

ORDER

V.

STAFF & STEIN FORENSICS UNIT,

Defendant.

I. DISCUSSION

On September 27, 2021, Plaintiff, an inmate currently located at Southern Nevada Adult Mental Health Services, submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has not submitted a complaint in compliance with Local Special Rule 2-1 or an application to proceed *in forma pauperis* or paid the full \$402 filing fee in this matter.

Complaint

The Court notes that Plaintiff's document at Docket No. 1-1 does not comply with Local Special Rule 2-1 ("LSR 2-1"). Under LSR 2-1, a civil rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by the court or must be legible and contain substantially all the information called for by the court's form. As such, the Court grants Plaintiff a **one-time** extension until on or before **November 30, 2021** to submit complaint to the Court in compliance with LSR 2-1. The Court will also provide Plaintiff a copy of the Court's § 1983 complaint form with instructions.

Application to Proceed *in Forma Pauperis*

With his September 27, 2021 filing, Plaintiff submitted a letter stating that the officials at the facility where Plaintiff is currently located would not fill out his financial sheet, because he has no account. Docket No. 1-2. In the event Plaintiff is having difficulty obtaining the required financial certificate and inmate account statement for the previous six-month period from facility officials,

Plaintiff shall file a declaration detailing when he requested the documents, whom he spoke to about the status of the documents, whom he followed up with after he did not receive the documents, and their responses. Plaintiff's declaration shall include dates of his requests, dates of his follow-up requests, names of the facility officials that he spoke to about the matter, and their responses. If Plaintiff's declaration demonstrates that he has done all that was possible to acquire the documents from facility officials, the Court will consider his application to proceed *in forma pauperis* complete.¹

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a facility or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's facility or jail trust fund account statement for the previous six-month period.** If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Accordingly, the Court grants Plaintiff a **one-time extension** until on or before **November 30, 2021** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents or, alternatively, the first three pages of the application to proceed *in forma pauperis* and a declaration detailing the efforts he took to acquire the financial certificate and inmate account statement from facility officials. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma pauperis* by November 30, 2021, Plaintiff will be held in contempt of court and subject to fines and/or imprisonment.

¹ Plaintiff must still submit the first three pages of the application to proceed *in forma pauperis* on this Court's approved form with his declaration. If Plaintiff does not submit the first three pages of the application to proceed *in forma pauperis* with the declaration, the Court will recommend dismissal of this case without prejudice for Plaintiff to open a new case when he is able to acquire the required documents.

1 *forma pauperis* with all three required documents or, alternatively, the first three pages of the
2 application to proceed *in forma pauperis* and a declaration detailing the efforts he took to acquire
3 the financial certificate and inmate account statement from facility officials on or before **November**
4 **30, 2021**, the Court will recommend dismissal of this case without prejudice for Plaintiff to file a
5 new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a
6 fully complete application to proceed *in forma pauperis* or, alternatively, the first three pages of the
7 application to proceed *in forma pauperis* and a declaration detailing the efforts he took to acquire
8 the financial certificate and inmate account statement from facility officials.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
10 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
11 with the application to proceed *in forma pauperis* or, alternatively, the first three pages of the
12 application to proceed *in forma pauperis* and a declaration detailing the efforts he took to acquire
13 the financial certificate and inmate account statement from facility officials. Plaintiff may choose
14 not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on
15 or before **November 30, 2021** to proceed with this case.

16 The Court will retain Plaintiff's civil rights Complaint, Docket No. 1-1, but the Court will
17 not file the Complaint unless and until Plaintiff timely files a fully complete application to proceed
18 *in forma pauperis* with all three documents, or, alternatively, the first three pages of the application
19 to proceed *in forma pauperis* and a declaration detailing the efforts he took to acquire the financial
20 certificate and inmate account statement from facility officials, or pays the full \$402 filing fee.

21 **II. CONCLUSION**

22 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court will send
23 to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a copy
24 of his original document at Docket No. 1-1.

25 IT IS FURTHER ORDERED that Plaintiff will have until on or before **November 30, 2021**
26 to submit a complaint to the Court in compliance with LSR 2-1.
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1 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint in compliance with
2 LSR 2-1 on or before **November 30, 2021**, this case will be subject to dismissal without prejudice
3 for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to
4 file a complaint in compliance with LSR 2-1.

5 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
6 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
7 information and instructions for filing an *in forma pauperis* application.

8 IT IS FURTHER ORDERED that, on or before **November 30, 2021**, Plaintiff shall either
9 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
10 administrative fee) or file with the Court:

11 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
12 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
13 3);

14 (2) a **Financial Certificate** properly signed by both the inmate and a facility or jail official
15 (i.e. page 4 of this Court's approved form); and

16 (3) a copy of the **inmate's facility or jail trust fund account statement for the previous**
17 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
18 must still submit an inmate account statement for the dates he has been present at the facility.

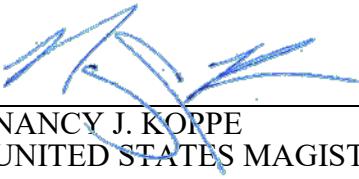
19 IT IS FURTHER ORDERED that, if Plaintiff is not able to obtain his financial certificate
20 and inmate account statement from facility officials, Plaintiff shall file the first three pages of the
21 application to proceed *in forma pauperis* together with a declaration detailing the efforts he took to
22 acquire the financial certificate and inmate account statement from facility officials.

23 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
24 proceed *in forma pauperis* with all three documents, or, alternatively, the first three pages of the
25 application to proceed *in forma pauperis* and a declaration detailing the efforts he took to acquire
26 the financial certificate and inmate account statement from facility officials, or pay the full \$402
27 filing fee for a civil action on or before **November 30, 2021**, the Court will recommend dismissal of

1 this action without prejudice for Plaintiff to refile the case with the Court, under a new case number,
2 when Plaintiff has all three documents needed to file a complete application to proceed *in forma
3 pauperis*.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's civil rights
5 Complaint, Docket No. 1-1, but the Court will not file it at this time.

6 DATED: October 1, 2021.

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9 NANCY J. KORPE
10 UNITED STATES MAGISTRATE JUDGE

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